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3. When Soviet Foreign Minister gave his preliminary reactions to presentation of US position, he also indicated that US statements would require serious thought and consideration. We will therefore be interested in hearing his further views on various points raised.

4. In this connection it might be well to begin by eliminating one subject on which it is obvious from onset that no meeting of minds is possible, and from what Gromyko has said can be set aside. Proposal for single peace treaty with both GDR and Federal Republic or for a separate peace treaty with GDR is not acceptable to West. We believe that any action which attempts formally to recognize division of Germany would be serious mistake, even regarded from Soviet viewpoint. We know that Soviet Union holds other views, and it is clear from our previous remarks that we are living with this situation and do not contemplate any use of force to change it. Entire NATO posture is based on this approach.

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Soviet officials, while the Government, therefore, continues to insist that all Berlin decisions based upon recognition of continuing Four-Power responsibilities, is best and most logical approach to problem, it cannot help but draw certain conclusions from fact that these unilateral actions have been taken. One of these conclusions is that Soviets, having attempted to dispose of their sector of city without consent of West, now claim right to have determining voice in disposition of Western sectors of city. Not only is there lack of logic in Soviet approach, but pressure which is being brought on Western Powers to consent to modifications of Potsdam II is in the form of threat of further unilateral abandonment of its responsibilities by Soviets to GDR -- in this case those relating to Berlin aspect.

4. A noteworthy example of such lack of insight is what British sources have alleged effect of young treaty on occupation rights in West Berlin. West Berlin has never been part of GDR. No treaty between Soviet Union and GDR was, therefore, terminating occupation rights of Western Powers. Complaint may further be asked why, if Soviet Union has in fact agreed with respect to Western position in West Berlin, as much importance is attached by GDR to this treaty. Such agreement and subsequent rights. Complaint may be made that GDR was to be a sovereign state before that, in that way, rights of Western Powers would be GDR territory based upon occupation rights. It is not true that GDR was a sovereign state before that, as it was not recognized by anybody. It was a part of the German Democratic Republic and as such its rights in Germany were not recognized by anybody. It was a part of the German Democratic Republic and as such its rights in Germany were not recognized by anybody.

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emphasized. In the present situation, we see no problem arising from our inability to demand some kind of formal de jure or de facto recognition which would go beyond that current situation. On "respect for sovereignty of GDR" as it relates to Berlin access, we understand Soviets wish to ensure that access rights do not in fact interfere with authority or life in East Germany. This creates no problems for us because we do not wish so to interfere; what we want is access which is not interfered with by East Germany. There are numerous cases in which means of transit across territory or through air space are used without any interference in the affairs of the territory transited. We suggest that Soviet Foreign Minister accept as point of departure the concept that guaranteed access would not interfere with affairs of East Germany and that East Germany would not interfere with freedom of access.

11. Although your efforts to pin down Gromyko specifically on whether "free access" would compromise freedom for anyone, no travel ban and such were not successful, you should make further efforts. In this case, it might also point that we cannot see Soviet Government is sincere in its stated intention of guaranteeing a viable and portable existence for West Berliners. We are sure that as well as we do that this requires continuation of their freedom of movement and other rights and that this is subject to control of the GDR.

12. The Soviet Union has no right to demand that West Berlin be contained within the GDR. The GDR is a sovereign state and it is the duty of the Soviet Union to respect its sovereignty. The GDR is a sovereign state and it is the duty of the Soviet Union to respect its sovereignty. There are no areas in which the Soviet Union has a right to demand that West Berlin be contained within the GDR. Powers, Relationships, etc.

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for nonaggressive purposes. You may also find it useful in this context to draw on relevant points made by President in his interview of November 23 with Adenauer and emphasize conviction of US that present Germany is thoroughly peaceful.

14. If Gromyko continues to insist on discussion of "broader questions" you might observe that every subject can obviously not be discussed simultaneously. We have placed initial stress on Berlin access which we believe critical issue for reasons indicated. He should understand, however, that what US would be prepared to say on other subjects will depend to great extent on reasonableness of what is proposed on Berlin access which we consider to be most appropriate question on which to focus at outset.

15. Re International Access Authority, we are sending in separate memorandum of proposal which you may find useful in further discussion with Gromyko. Do not believe, however, that specific language of formal agreement should be implied pending further explorations. In doing so, however, you may also draw for details on draft charter in DOD-21 various documents. In view of Gromyko's reserve on Board of Governors, you should be aware of Department's lack of Authority and the impression that complete agreement would require further exploration and should indicate that other issues are involved.

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